

Became law upon approval of the Governor at 9:11 a.m. on the 23<sup>rd</sup> day of August, 2007.

**Session Law 2007-421****House Bill 1625****AN ACT TO ENACT THE EYEWITNESS IDENTIFICATION REFORM ACT.**

*The General Assembly of North Carolina enacts:*

**SECTION 1.** Chapter 15A of the General Statutes is amended by adding a new Article to read:

"Article 14A.

"Eyewitness Identification Reform Act.

**"§ 15A-284.50. Short title.**

This Article shall be called the "Eyewitness Identification Reform Act".

**"§ 15A-284.51. Purpose.**

The purpose of this Article is to help solve crime, convict the guilty, and exonerate the innocent in criminal proceedings by improving procedures for eyewitness identification of suspects.

**"§ 15A-284.52. Eyewitness identification reform.**

(a) Definitions. – The following definitions apply in this Article:

- (1) Eyewitness. – A person whose identification by sight of another person may be relevant in a criminal proceeding.
- (2) Filler. – A person or a photograph of a person who is not suspected of an offense and is included in a lineup.
- (3) Independent administrator. – A lineup administrator who is not participating in the investigation of the criminal offense and is unaware of which person in the lineup is the suspect.
- (4) Live lineup. – A procedure in which a group of people is displayed to an eyewitness for the purpose of determining if the eyewitness is able to identify the perpetrator of a crime.
- (5) Lineup. – A photo lineup or live lineup.
- (6) Lineup administrator. – The person who conducts a lineup.
- (7) Photo lineup. – A procedure in which an array of photographs is displayed to an eyewitness for the purpose of determining if the eyewitness is able to identify the perpetrator of a crime.

(b) Eyewitness Identification Procedures. – Lineups conducted by State, county, and other local law enforcement officers shall meet all of the following requirements:

- (1) A lineup shall be conducted by an independent administrator or by an alternative method as provided by subsection (c) of this section.
- (2) Individuals or photos shall be presented to witnesses sequentially, with each individual or photo presented to the witness separately, in a previously determined order, and removed after it is viewed before the next individual or photo is presented.
- (3) Before a lineup, the eyewitness shall be instructed that:
  - a. The perpetrator might or might not be presented in the lineup,
  - b. The lineup administrator does not know the suspect's identity,
  - c. The eyewitness should not feel compelled to make an identification,